

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Franck Savard
Serial No.: 09/763,507
Filed: February 23, 2001
Title: REAR DERAILLEUR DEVICE FOR A BICYCLE
Docket No.: 33354

LETTER AND RENEWED PETITION UNDER RULE 1.47(b)

Commissioner for Patents
BOX: PCT
Washington, D.C. 20231

ATTN: PCT LEGAL OFFICE

RECEIVED

18 MAR 2002

Legal Staff
International Division

Dear Sir:

The following are enclosed in response to the Decision on
Petition Under Rule 1.47(b) mailed November 2, 2001:

- a) Renewed Petition under Rule 1.47(b)
- b) Declaration of Almut Gersting attached as Exhibit A to
the Petition in support thereof;

1. Letter dated May 28, 2001 from Franck Savard to
Almut Gersting refusing to sign the application
except on payment of EUR 2,000,000, attached to
Exhibit A as Attachment 1;
2. Letter dated December 3, 2001 from Almut Gersting
to Franck Savard enclosing a complete set of
application papers and requesting Mr. Savard's
signature, attached to Exhibit A as Attachment 2;

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner for Patents, Washington, D.C. 20231 on the date
indicated below.

Steven J. Solomon

Name of Agent for Applicant

February 26, 2002
Date

[Signature]
Signature of Agent

3. Signed register form evidencing receipt of
December 3, 2001 letter and enclosures by Mr.
Savard, attached to Exhibit A as Attachment 3;
- c) Declaration of Dominique Francois attached as Exhibit
B to the Petition in support thereof
1. Contrat de Cession de Quote-Part de Demandes de
Brevet (Contract of Assignment of Interest in
Patent Applications with English translation)
between Franck Savard and Christian Gauthier dated
June 12, 1998 attached to Exhibit B as Attachment
1;
2. Contrat d'Apport (Contribution Contract with
English translation) between Franck Savard,
Christian Gauthier, and EGS dated June 12, 1998
attached as to Exhibit B as Attachment 2;
3. Proces Verbal d'Adjudication Biens Dependante de la
S.A. EGS au Profit de la Societe Shimano (Record
of the Adjudication of the Patent Specifications
and Applications of the Corporation "EGS" with
English translation) dated July 11, 2000 attached
to Exhibit B as Attachment 3;
- d) Declaration and Power of Attorney under Rule 1.47(b)
executed on behalf of Franck Savard by Kozo Kitagawa,
Assistant Director of Shimano, Inc.
- e) Check for \$400 to cover the fees stated in the
Petition.

Respectfully submitted,

PEARNE & GORDON LLP

By: 
Steven J. Solomon, Reg. No. 48719

526 Superior Avenue East
Suite 1200
Cleveland, Ohio 44114-1484
(216) 579-1700
Date: February 26, 2002

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Applicant: Franck Savard
Serial No.: 09/763,507
Filed: February 23, 2001
Title: REAR DERAILLEUR DEVICE FOR A BICYCLE
Docket No.: 33354

RENEWED PETITION UNDER § 1.47(b)

Commissioner for Patents
BOX: PCT
Washington, D.C. 20231

ATTN: PCT LEGAL OFFICE

Dear Sir:

This communication is in response to the Decision on Petition Under 37 CFR § 1.47(b) mailed November 2, 2001. The period for reply expired on January 2, 2002. Applicant hereby petitions for a two (2) month extension of time to respond, up to and including March 2, 2002. Because March 2, 2002 is a Saturday, this petition is timely filed by Monday, March 4, 2002 pursuant to Rule 1.7(a). A check for \$400 to cover the extension of time fee is enclosed. No additional petition fee is required.

In response to the Decision on Petition mailed November 2, 2001, Shimano, Inc., (hereinafter "Shimano"), submits this Renewed Petition under Rule 1.47(b), and petitions the

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

Steven J. Solomon
Name of Agent for Applicant

February 26, 2002 [Signature]
Date Signature of Agent

Commissioner to accept the accompanying Declaration and Power of Attorney by it, as the party to whom the invention disclosed and claimed rightfully belongs, on behalf of and as agent for the inventor, Franck Savard.

The Declarations of Almut Gersting and Dominique Francois, attached hereto as Exhibits A and B respectively, provide proof of the pertinent facts concerning the refusal of Mr. Savard to join in the present application for patent, and establish that Shimano has a sufficient proprietary interest in this matter to make application on his behalf as his agent.

The Declaration of Almut Gersting (Exhibit A) further details her bona fide attempts to procure Mr. Savard's signature in the present application. Mr. Savard sent a letter to Ms. Gersting dated May 23, 2001 (attached thereto as Attachment 1), in which he refused to sign the application except on payment of EUR 2,000,000. Subsequently, Ms. Gersting had delivered to Mr. Savard a complete set of application papers, and again requested his signature. In response, Mr. Savard telephoned Ms. Gersting and again refused to sign, this time except in payment of 3,000,000 French francs.

The attached Declaration of Dominique Francois (Exhibit B) details the chain of title for the present application, and clearly establishes all right and title therein presently resides in Shimano, Inc. Mr. Savard, as sole inventor, initially assigned 50% of his interest in the invention to Christian Gauthier by Contract of Assignment dated June 12, 1998. Subsequently by separate Contribution Contract dated June 12, 1998, both Savard and Gauthier assigned their respective interests in the invention to the company EGS of Catellerault, France. These Contracts, along with certified English translations thereof, are attached to the accompanying Declaration of Dominique Francois (Exhibit B) as Attachments 1

and 2 respectively. Upon liquidation of EGS under French bankruptcy law, Shimano acquired at auction all patents and pending patent applications of EGS, including the right to acquire for itself all patents and patent applications drawn thereto in countries throughout the world (including the present application), as evidenced by the Record of the Adjudication "Proces Verbal d'Adjudication", attached with English translation to the Declaration of Dominique Francois as Attachment 3.

The Declarations further show this action is necessary to preserve the rights of the Shimano, Inc. and to prevent irreversible damage.

The name and address of the inventor refusing to join in this application are as follows:

Franck Savard
11 Lotissement des Tertres
F-22400 Planguenoual
France

If there are any other fees required by this communication, please charge any such fees to our Deposit Account No. 16-0820, Order No. 33354.

Respectfully submitted,

PEARNE & GORDON LLP

By: 
Steven J. Solomon, Reg. No. 48719

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Date: February 26, 2002